

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FDIC as Receiver for AMTRUST BANK, f/k/a  
Ohio Savings Bank, a federal savings bank,  
et al.,

Case No. 2:10-CV-439 JCM (VCF)

ORDER

Plaintiff(s),

v.

REX H. LEWIS, et al.,

Defendant(s).

Presently before the court are motions for a temporary restraining order (doc. #117) and a preliminary injunction (doc. #218) filed by non-party Five Springs LLC.

Magistrate Judge Ferenbach denied Five Spring's intervenor motion (doc. #216) finding that the motion was untimely and Five Spring's interests are adequately represented by defendant Lewis. (Doc. #226).

The facts of the instant case are familiar to the court and the parties. Five Springs seeks a temporary restraining order to prevent plaintiffs from conducting the constable's sale on December 10, 2015, at 10:00 AM. (Doc. # 217 Exh. 7). However, because its motion to intervene was denied, Five Springs may not intercede in this action. Furthermore, even if its motions were proper, Five Springs received the notice of constable's sale on October 8, 2015, yet did not choose to file the instant motion until after the sale of the property had already occurred. (Doc. # 217). The motions for a temporary restraining order and a preliminary injunction are therefore denied as moot.

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that intervenor's motions for a temporary restraining order (doc. #217) and preliminary injunction (doc. # 218) be, and the same hereby are, DENIED as moot.

James C. Mahan  
UNITED STATES DISTRICT JUDGE